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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COLLEEN MARY ROHAN, ex rel. OSCAR GATES,
Petitioner,

v.
KEVIN CHAPPELL,
Warden, California State Prison at San Quentin,
Respondent.

C88-2779 WHA
DEATH PENALTY CASE

**PARTIES' STIPULATION
AND ~~PROPOSED~~
ORDER
(N.D.L.R. 5-1(i)(3), 7-11,
7-12)**

TO: THE HONORABLE WILLIAM H. ALSUP, UNITED STATES DISTRICT JUDGE;
GREGG ZYWICKE AND GLENN PRUDEN, DEPUTY ATTORNEYS GENERAL; AND
TO RICHARD W. WIEKING, CLERK OF THE UNITED STATES DISTRICT COURT:

Pursuant to Northern District Local Rules, Rules 7-11 and 7-12, and the Court's May 16, 2013, Order, the parties hereby present this stipulation and proposed Order.

On May 16, 2013, this Court issued an Order, see Doc. 594, requiring that within seven days, i.e., May 23, 2013, the parties meet and confer regarding record-based claims in the petition, and to either submit a list of ten claims most appropriate for adjudication at this time, or, if in disagreement, each side to submit a separate list to the Court. Doc. 594, at 1:17-20.

1 The parties have communicated by e-mail several times, initially scheduled a meet and
 2 confer session for May 21, 2013 and have tentatively deferred that meet and confer session to
 3 a day to be determined during the week of May 27, 2013. Respondent's counsel have
 4 completed their review, believe that all the claims are record based and are open to discussing
 5 which ten claims are most appropriate for current litigation. Petitioner's counsel have worked
 6 diligently but have not completed their review of the petition and record, due both to the
 7 record's complexity and obligations in other cases both capital and non-capital.

8 Petitioner's counsel therefore seek a seven day extension of time, i.e., through and
 9 including May 30, 2013, for petitioner to complete their review, the parties to meet and confer
 10 and either to file a joint pleading or separate pleadings responding to the Court's Order.

11 Respondent's counsel has no opposition to this request and stipulates to the Court
 12 granting it. Per N.D. Local Rules, rule 5-1 (i) (3), I attest that concurrence in the filing of
 13 the document has been obtained from each of the other signatories listed below.

14 Petitioner will be glad to submit a more detailed showing if the Court finds that
 15 appropriate. There have been no prior requests to extend the date and the time requested is
 16 relatively brief.

17 Per N.D. Local Rules, rule 7-12, a proposed Order is provided on the following page.

18 **STIPULATION**

19 It is so stipulated.

20 DATED: May 23, 2013

21 /s/ Gregg Zywicke
 22 GREGG ZYWICKE
 23 GLENN PRUDEN
 24 Deputy Attorneys General,
 25 Counsel for Respondent

26 It is so stipulated.

27 DATED: May 23, 2013

28 /s/ Tim Brosnan
 29 WILLIAM L. OSTERHOUDT
 30 TIM BROSNAN
 31 Counsel for Petitioner,
 32 OSCAR GATES

~~(Proposed)~~ ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 23, 2013



HONORABLE WILLIAM H. ALSUP
UNITED STATES DISTRICT JUDGE